

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

<p>IN RE:</p> <p>Bridget Denise Jones, fka Bridget Denise Smith, Debtor.</p>	<p>CHAPTER 13 CASE NO.: 18-35414-KRH</p>
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<p>BANK OF AMERICA, N.A. Movant,</p> <p>v.</p> <p>Bridget Denise Jones, fka Bridget Denise Smith, Debtor,</p> <p>AND</p> <p>Suzanne E. Wade Trustee,</p> <p>Respondents.</p>	<p>FILED PURSUANT TO 11 U.S.C SECTION 362</p>

MOTION SEEKING RELIEF FROM STAY AND NOTICE OF HEARING THEREON
(238 SOUTH PARK DRIVE, PETERSBURG, VA 23805)

NOTICE: Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion, then on or before the 14th day from the date of service of this Motion, you or your attorney must:

File with the court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1. If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

United States Bankruptcy Court
Eastern District of Virginia
701 East Broad Street, Suite 4000

Richmond, VA 23219

You must also send a copy to:

Brandon R Jordan
Robertson, Anschutz, Schneid, Crane & Partners, PLLC
11900 Parklawn Drive
Suite 310
Rockville, MD 20852
Telephone: 844-442-2150
Fax: 240-238-2767
Email: bjordan@raslg.com

And to:

Suzanne E. Wade
7202 Glen Forest Drive, Ste. 202
Richmond, VA 23226

Attend the hearing scheduled for **November 23, 2021 at 11:00 a.m.** via videoconference rather than in Courtroom 5000 of the of the U.S. Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219.

All proceedings before Judge Huennekens will be conducted via Zoom for Government. To participate in hearings via Zoom for Government, e-mail a completed request form from the Court's website to the following email address at least two business days prior to hearing: EDVABK-ZOOM-Judge_Huennekens@vaeb.uscourts.gov

If you or your attorney do not take these steps, the Court may decide you do not oppose the relief sought in the Motion and may enter an Order Granting that Relief without holding a hearing.

Brandon R Jordan
Virginia Bar # 72170
Robertson, Anschutz, Schneid, Crane & Partners, PLLC
11900 Parklawn Drive, Suite 310
Rockville, MD 20852
Telephone: 844-442-2150
Fax: 240-238-2767
Email: bjordan@raslg.com
Attorney for Movant

MOTION SEEKING RELIEF FROM STAY

Comes now BANK OF AMERICA, N.A. (the "Movant"), a secured creditor, by Counsel, and moves this Honorable United States Bankruptcy Court for Relief from the Stay imposed by 11 U.S.C. Section 362(a) and in support thereof, states as follows:

1. This Motion is filed pursuant to 11 U.S.C. Section 362(d) and Rules 4001 and 9014 of the Bankruptcy Rules, as hereinafter shall more fully appear.

2. The Movant is a secured creditor of the Debtor whose claim is based upon a certain Note dated May 16, 2007 in the principal amount of \$91,350.00 and executed by Bridget Denise Jones fka Bridget Denise Smith aka Bridget D. Smith ("Debtor"). The total amount due, including the unpaid principal balance of \$73,008.45 due under said Note as of October 1, 2021, interest of \$1,368.90 at the Note rate, late charges and attorney's fees and costs was approximately \$79,210.37. A copy of an estimated payoff statement is attached hereto, marked as Exhibit A, as is a copy of the said Note, marked as Exhibit B. Repayment of said Note is secured by that certain Deed of Trust dated May 16, 2007 and recorded among the land records of Petersburg, Virginia, which property has the address of 238 SOUTH PARK DRIVE, PETERSBURG, VA 23805 and which is more particularly described in the Deed of Trust as:

ALL those certain lots or parcels of land with improvements thereon and appurtenances thereto belonging, lying, being and situate in the City of Petersburg, Virginia, being known as 238 South Park Drive, and being designated as Lots Nos. 37, 38, 39, 40 and 41, Block E, on a plat of "Battlefield Park Subdivision", made by J. W. Pugh, Engineer, dated February, 1949, which is recorded in the Clerk's Office of the Circuit Court of Prince George County, Virginia, in Plat Book 9, at page 49.

BEING the same real estate conveyed to Bridget D. Jones, by deed from The Heirs of The Estate of Evelyn Banks, dated February 13, 1998, recorded March 9, 1998, Deed Book 587, page 304.

A copy of said Deed of Trust and Assignment of Deed of Trust, if any, is attached hereto, marked as Exhibit C, and expressly made a part hereof.

3. On October 29, 2018, the United States Bankruptcy Court for the Eastern District of Virginia entered an Order for Relief under Chapter 13 upon a bankruptcy petition filed by Debtor as Case No. 18-35414-KRH.

4. The Debtor has failed to make post-petition payments to the Movant, and is therefore in default, post-petition as of **October 1, 2021 in the amount of \$1,446.52**. The breakdown including the attorney fees and costs is as follows:

3 missed regular monthly payments @ \$684.44 each 08/01/2021-10/01/2021	\$2,053.32
Estimated attorney's fees (\$850.00) and costs (\$188.00) for representation in this proceeding	\$1,038.00
Suspense Balance	(\$606.80)
<u>TOTAL</u>	<u>\$2,484.52</u>

A copy of the post-petition payment history is attached hereto, marked as Exhibit D, and expressly made a part hereof. An additional monthly payment of \$684.44 will come due on November 1, 2021.

5. By reason of the foregoing, the Movant lacks adequate protection for its security interest and is, and continues to be, irreparably harmed by the continuation of stay of 11 U.S.C. Section 362(a) and that therefore cause exists for the termination thereof.

6. The Petersburg City County tax assessment indicates that the subject property has a current value of \$104,200.00. A copy of the tax assessment is attached hereto, marked as Exhibit E, and expressly made a part hereof.

7. Upon entry of an Order terminating the stay of 11 U.S.C. Section 362(a), the Movant should be free to take such actions with respect to the subject property as are set forth under applicable non-bankruptcy law (i.e. modification, short sale and other loss mitigation options), and should be relieved from any further filing requirements pursuant to Fed. R. Bankr. P. 3002.1(b)-(c).

WHEREFORE, Secured Creditor, prays this Honorable Court enter an order modifying the automatic stay pursuant to 11 U.S.C. § 362(d) so that the undersigned may proceed to enforce its security interest in the subject property by: (i) instituting or continuing foreclosure proceedings against the subject property in state court, (ii) allowing the successful purchaser at the foreclosure sale to obtain possession of the subject property, (iii) allowing it to take such other actions with respect to the subject property as are set forth under applicable non-bankruptcy law, (iv) relieving it, its successors and/or assigns from any further filing requirements pursuant to Fed. R. Bankr. P. 3002.1(b)-(c) if the stay is ultimately and unconditionally lifted or terminated, and (v) that the Order be binding and effective upon the Debtor despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

NOTICE OF INTENT TO SUBMIT BUSINESS RECORDS

The Movant will submit business records as evidence at any scheduled hearing, as allowed under Fed. R. Bankr. P. 9017 and FRE 902(11). These business records and the declaration of their maintenance as business records are available for inspection by the adverse party upon demand.

NOTICE

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the Court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then within 14 days from the date of service of this motion, you must file a written response explaining your position with the Court and serve a copy on the movant. Unless a written response is filed and served within this 14-day period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the 14-day period.

Date: October 22, 2021

**Robertson, Anschutz, Schneid, Crane &
Partners, PLLC**

/s/ BRANDON R. JORDAN

Brandon R Jordan

Virginia Bar # 72170

Robertson, Anschutz, Schneid, Crane & Partners,
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11900 Parklawn Drive, Suite 310

Rockville, MD 20852

Telephone: 844-442-2150

Fax: 240-238-2767

Email: bjordan@raslg.com

Attorney for Movant

CERTIFICATE OF SERVICE

I certify that on October 22, 2021, a true copy of the foregoing Motion Seeking Relief from Stay was served upon all necessary parties by electronic mail or by first class U.S. Mail, with adequate postage prepaid on the following persons or entities at the addresses stated:

Bridget Denise Jones
238 South Park Drive
Petersburg, VA 23805

Via Electronic Mail

James E. Kane
Kane & Papa, PC
1313 East Cary Street
P.O. Box 508
Richmond, VA 23218-0508

Suzanne E. Wade
7202 Glen Forest Drive, Ste. 202
Richmond, VA 23226

Elizabeth Cabell Brogan
Suzanne E. Wade, Chapter 13 Trustee
7202 Glen Forest Drive, Suite 202
Richmond, VA 23226

John P. Fitzgerald, III
Office of the US Trustee - Region 4 -R
701 E. Broad Street, Ste. 4304
Richmond, VA 23219

Date: October 22, 2021

**Robertson, Anschutz, Schneid, Crane &
Partners, PLLC**

/s/ BRANDON R. JORDAN
Brandon R Jordan
Email: bjordan@raslg.com
Attorney for Movant